

Science Advisory Board Staff Office

Briefing on Operations of the Staff
Office, the SAB and the CASAC

(updated January 2017)





Office Mission

Manage and support two Congressionally mandated Federal Advisory Committees (FACs) in delivering independent advice to the Administrator on scientific and technical matters underlying major policies and actions:

- Science Advisory Board
- Clean Air Scientific Advisory Committee

SAB Staff Office Organization

(The Staff Office resides in the Office of the Administrator)



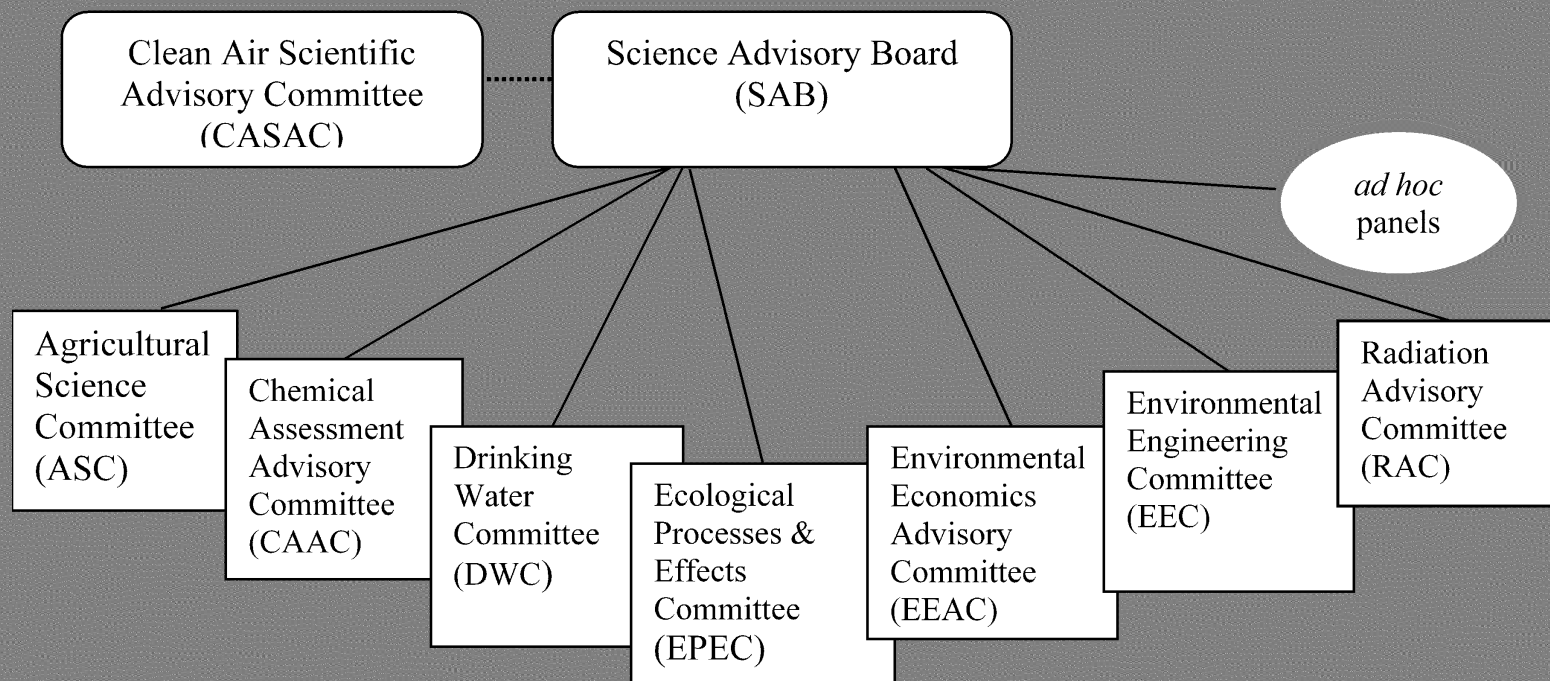
Core Functions

- Manage EPA's requests for advice and peer review
- Recruit external experts for annual membership and *ad hoc* panels
- Ensure compliance with FACA and ethics regulations
- Provide administrative support for public meetings
- Provide technical assistance to advisory panels
- Process SGE personnel appointments and payroll
- Maintain FACA and related administrative records
- Respond to FOIA requests
- Conduct internal and external outreach activities

Science Advisory Board (SAB)

- Established in 1978 by the *Environmental Research, Development, and Demonstration Authorization Act (ERDDAA)*
- Provides independent advice to the Administrator on a range of scientific and technical matters underlying key environmental policies and risk management decisions
- The chartered SAB has approximately 45 members.
- The SAB has seven standing subcommittees; *ad hoc* committees and panels are created as needed.

SAB Organization





SAB Liaison with other FACs

- FIFRA Scientific Advisory Panel
- Children's Health Protection Advisory Committee
- ORD's Board of Scientific Councilors
- National Drinking Water Advisory Council
- National Advisory Council for Environmental Policy and Technology

Clean Air Scientific Advisory Committee (CASAC)

- Established in 1977 under the *Clean Air Act* Amendments (CAAA) to provide advice to the Administrator regarding:
 - ❑ Air quality standards for criteria pollutants;
 - ❑ Research related to air quality;
 - ❑ Sources of air pollution;
 - ❑ Strategies to attain air quality standards and to prevent significant deterioration of air quality.
- The chartered Committee is composed of 7 members; the Chair serves on the chartered SAB
- *Ad hoc* subcommittee(s) and panels are created as needed.

CASAC Panels

Formed for each criteria pollutant, on a 5-year review cycle.

Current CASAC panels:

- CASAC Oxides of Nitrogen Primary NAAQS Review Panel (2013-2016)
- CASAC Particulate Matter Review Panel (2015-2018)
- CASAC Sulfur Oxides Panel
- Secondary NAAQS Review Panel for Oxides of Nitrogen and Sulfur



Other Statutory Mandates

SAB and CASAC also operate under:

- Federal Advisory Committee Act
- Government in the Sunshine Act
- Federal Ethics and Conflict of Interest Statutes

Federal Advisory Committee Act

Established by Congress in 1972 to govern the creation and operation of advisory committees:

- Hold open public meetings; may close only in limited circumstances;
- Allow the public an equitable opportunity to file written statements and to speak at public meetings;
- Maintain all committee documents for public inspection; and
- Maintain a balanced membership in terms of points of view.



A Culture of Transparency

SAB Staff Office policies exceed compliance with the ***Federal Advisory Committee Act*** (FACA):

- Public process for member nomination and comments on list of candidates;
- Web posting of all meeting materials related to advisory activities;
- Subcommittees and panels meet in public; and
- Public comments considered throughout the advisory process.

Membership

- EPA Administrator appoints members of CASAC, SAB and SAB standing committees.
- Members are drawn from academia, research organizations, state governments, industry, and NGOs.
- Staff Director appoints Consultants to augment expertise on committees and *ad hoc* panels as needed.
- Presently, there are more than 150 appointed members and approximately 200 consultants serving as Special Government Employees with the SAB and CASAC.
- Members and consultants are subject to federal ethics requirements.

Membership

- SAB and CASAC are scientific advisory committees
- Balance of scientific points of view for the functions to be performed (FACA)
- CASAC statutory requirements
 - seven members including at least one member of the National Academy of Sciences, one physician, and one person representing State air pollution control agencies



Requests for Advice from SAB or CASAC

- Deputy Administrator annual memo requesting Program Office and Regions to identify requests for advice for the following fiscal year
- Requests may also be accepted during the fiscal year
- Selection criteria include:
 - ❑ Supports EPA's major environmental decisions;
 - ❑ Involves novel and/or complex science;
 - ❑ Responds to Congressional mandate; and
 - ❑ Receives wide public interest.

SAB-Initiated Activities

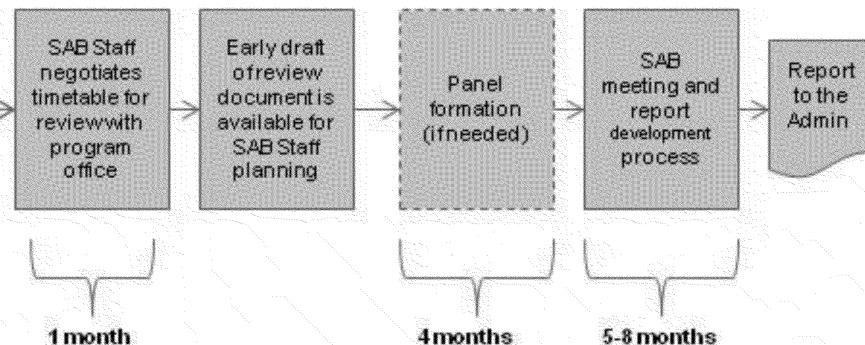
- SAB may propose and develop an original study, in consultation with the EPA
 - Science Integration for Decision Making at the U.S. Environmental Protection Agency
 - Reactive Nitrogen in the United States: An Analysis of Inputs, Flows, Consequences, and Management Options
 - Valuing the Protection of Ecological Systems and Services
- SAB screens proposed EPA actions from the Regulatory Agenda to identify actions for which the SAB will provide advice and comment on the supporting science

1) Historical process for identifying requests for the SAB

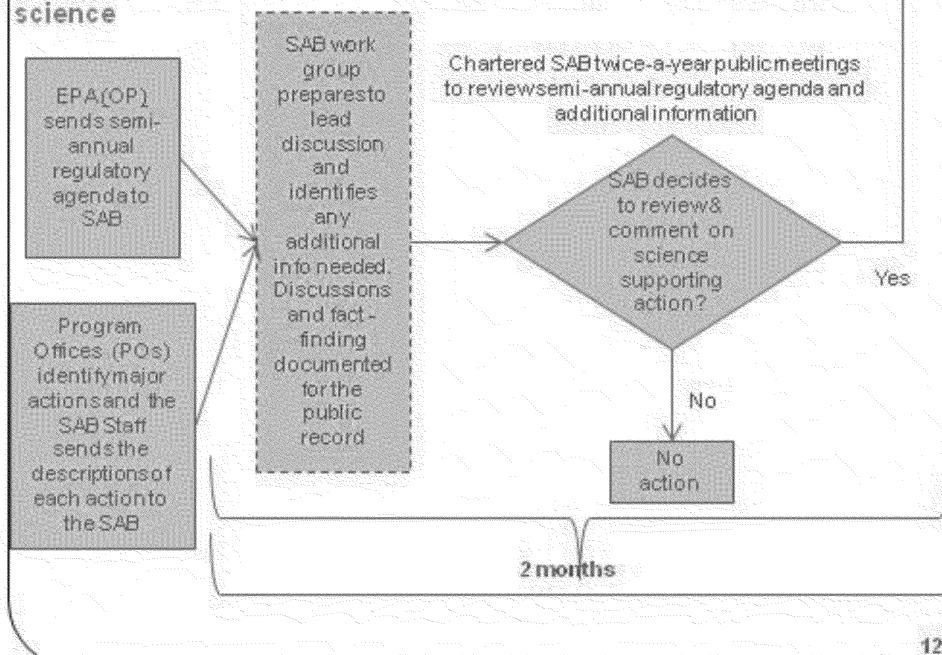


- EPA Office requests responding to annual Deputy Administrator memorandum
- Urgent requests from AAs/RAs

General process for managing SAB advisory activities



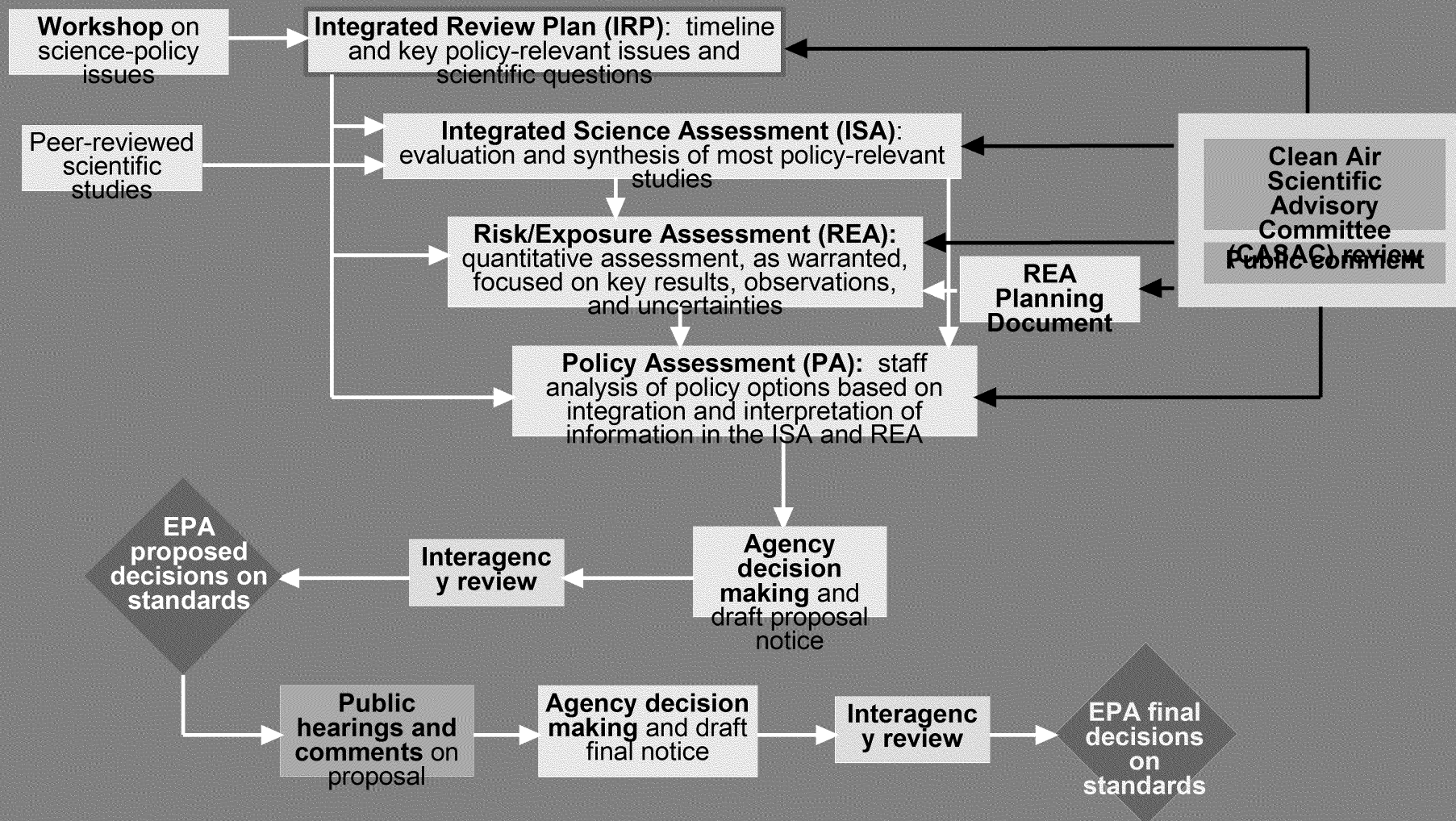
2) New semi-annual process for determining whether any planned EPA actions merit SAB advice and comment on the supporting science



Advisory Process

- Discuss timing and scope of requests (charge) with requesting office
- Establish *ad hoc* panels or augment existing committees as needed (FR with opportunity for public input)
- Announce public meeting(s) (FR, website), soliciting public comments (written and oral comments)
- Convene public meetings
 - Teleconference, face-to-face, webcast, web audio
- Conduct quality review and approve subcommittee/panel draft advisory report (by chartered committee)
- Transmit report to the Administrator
- Receive Administrator's written response to advice

Overview of the Process for Reviewing NAAQS





Opportunities for Public Involvement

- Nominate and comment on candidates
- Comment on the charge
- Attend and observe committee meetings
- Review meeting materials (EPA documents and draft advisory reports)
- Provide written and oral comment to committees and panels



Information on Current Activities

- Subscribe to *Recent Happenings*: the SAB and CASAC RSS feeds
- Visit the committee websites:
 - www.epa.gov/sab
 - www.epa.gov/casac
- Contact the DFO for the committee or panel

Issue: Upcoming Web Posting Needs for the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC)

Background

- The SAB and the CASAC are federal advisory committees chartered under the Federal Advisory Committee Act (FACA).
- FACA and the Implementing Regulations require that the SAB and CASAC provide advance public notice in the Federal Register of committee meetings.
- The regulations require a minimum 15-day advance notice of advisory committee meetings; EPA's policy has been to provide approximately 30 days of advance notice to the public in the interest of transparency and to enhance public participation.
- The regulations require that meeting minutes be prepared with 90 days of an advisory committee meeting.
- FACA and the Implementing Regulations also require contemporaneous public availability of materials provided to federal advisory committees. EPA practice is to make materials public at the same time they are provided to the advisory committee, usually approximately 30 days prior to a meeting.
- At the time that final advisory reports from the SAB and the CASAC are transmitted to the EPA Administrator, they are also made available to the public via the SAB and CASAC web pages.
- All meeting materials, meeting minutes and draft and final advisory reports from the SAB and CASAC are made available to the public via the SAB and CASAC web pages, www.epa.gov/sab and www.epa.gov/casac

Materials that will Need to be Posted to the EPA website for the SAB and CASAC in the coming weeks:

Deliberative Process Privilege/Ex. 5

From: Zarba, Christopher
Location: SAB Conference Room. 3rd Floor RRB. Follow signs for SAB.
Importance: Normal
Subject: SAB Briefing on Membership
Start Date/Time: Tue 2/28/2017 7:00:00 PM
End Date/Time: Tue 2/28/2017 8:30:00 PM

Briefing Materials will be sent via email.

To: Kreutzer, David[kreutzer.david@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Reeder, John[Reeder.John@epa.gov]
From: Zarba, Christopher
Sent: Fri 3/3/2017 10:16:59 PM
Subject: SAB Follow Up
Bloomberg BNA August 2015.pdf

David,

In response to our phone chat a few minutes ago below is the CFR language that we use in making determinations on conflicts of interest. This applies to all scientists that serve on our committees and panels. No exceptions. Also I attached Bloomberg article that includes information on the make-up of all of our committees and panels. I conducted the analysis in back in 2015 however I expect the percentages are similar today. Also some of our panels are chaired by industry scientists and I have in recent years conducted ½ day webinars at the American Chemistry Council and other science organizations to recruit scientists, share information on up-coming reviews and explain rules. With an OK to proceed from Ryan we will publish the solicitation in the FR for candidates for the Chartered SAB, standing committees and CASAC later this month. Also, before publishing in the FR we will brief Ryan and the Administrator to ensure they have time to reach out.

Thank you for your help with this and best of luck in your new assignment.

Conflict of interest considerations:

For Financial Conflict of Interest (COI) issues, the basic 18 U.S.C. § 208 provision states that: “An employee is prohibited from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest [emphasis added].” For a conflict of interest to be present, all elements in the above provision must be present. If an element is missing, the issue does not involve a formal conflict of interest; however, the general provisions in the appearance of impartiality guidelines must still apply and need to be considered.

In addition, the following section of the CFR discusses requirements for disqualifying financial interests that arise from the ownership by the employee, his spouse or minor children of securities issued by one or more entities affected by the matter under consideration by the Panel:

5 CFR 2640.202(c) De minimis exemption for matters of general applicability.

(1) An employee may participate in any particular matter of general applicability...in which the disqualifying financial interest arises from the ownership by the employee, his

spouse or minor children of securities issued by one or more entities affected by the matter, if:

(i) The securities are publicly traded, or are municipal securities, the market value of which does not exceed:

(A) \$25,000 in any one such entity; and

(B) \$50,000 in all affected entities; or

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(ii) The securities are long-term Federal Government securities, the market value of which does not exceed \$50,000.

(2) For purposes of this paragraph (B), the value of securities owned by the employee, his spouse, and minor children must be aggregated in applying the exemption.

(i) Does the general charge to the panel involve a particular matter? A “particular matter” refers to matters that “...will involve deliberation, decision, or action that is focused upon the interest of specific people, or a discrete and identifiable class of people.” It does not refer to “...consideration or adoption of broad policy options directed to the interests of a large and diverse group of people.” [5 C.F.R. § 2640.103 (a)(1)]. A particular matter of general applicability means a particular matter that is focused on the interests of a discrete and identifiable class of persons, but does not involve specific parties [5 C.F.R. § 2640.102(m)]. Additionally, 5CFR 2637.102(a)(7) defines a particular matter involving specific parties to mean any judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, investigation, change, accusation, arrest or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest.

Christopher S. Zarba

US EPA Science Advisory Board

zarba.christopher@epa.gov

O (202) 564-0760

M (202) 731-6423

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Reeder, John[Reeder.John@epa.gov]; Johnston, Khanna[Johnston.Khanna@epa.gov]
From: Zarba, Christopher
Sent: Tue 2/14/2017 6:55:53 PM
Subject: RE: Science Advisory Board Briefing / Discussion
Upcoming Web Postings Needed 1-31-17 (002).docx

Thank you for sharing the news that we could go forward with posting materials on the web and in the FR supporting 5 upcoming meetings and meeting minutes from two earlier meetings. Just to make sure we are all on the same page, could you confirm that in a response to this email?

The details of each of these meetings is located in the briefing materials I shared with you earlier and shared with Catherine M. when I briefed her last week. I attached an additional copy of that briefing.

Thank you for your help with this.

Christopher S. Zarba

US EPA Science Advisory Board

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From: Kreutzer, David
Sent: Wednesday, February 01, 2017 5:30 PM
To: Zarba, Christopher <Zarba.Christopher@epa.gov>
Subject: RE: Science Advisory Board Briefing / Discussion

Thank you very much. Look forward to talking with you.

From: Zarba, Christopher
Sent: Wednesday, February 1, 2017 4:15 PM
To: Kreutzer, David <kreutzer.david@epa.gov>
Subject: Science Advisory Board Briefing / Discussion

In response to the February 1st email from Donald Benton to me and other managers at EPA I am in the process of scheduling an opportunity for me to brief you on the Science Advisory Board and its mission and activities. I expect that our first discussion will be a general discussion / briefing. However if you wish to focus on one or several topics that would be fine also. I have listed some likely topics below and provided some supporting materials in the event you would like a more focused discussion. These topics are only a suggestions so feel free to add, subtract or modify the agenda for this discussion to ensure it meets your needs. The suggested topics and supporting materials are as follows:

- 1) Overview of the SAB (*SABSO Briefing, SAB Org Diagram*)
- 2) Tier I & II panel formation, panel make up, state scientists, (*Fact sheet – State Scientists, Bloomberg BNA August, Senate Testimony*)
- 3) Upcoming SAB schedule of activities and public events (*SABCASAC Activities*).
- 4) Near term issues that need a decision Web Postings, SGE Onboarding (Upcoming Web Posting).

I will reach out to you via phone and email on Thursday to get your thoughts on timing and the agenda.

I look forward to an interesting and productive discussion.

Christopher S. Zarba

US EPA Science Advisory Board

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Materials that will Need to be Posted to the EPA website for the SAB and CASAC in the coming weeks:

- FR notices, meeting materials and agendas for upcoming meetings:

Date for FR Publication and Posting of Materials	Date of Meeting	Committee/Meeting Topic
February 20	March 20	CASAC Sulfur Oxides Panel
February 28	March 30	SAB Review of Lake Erie Nutrient Load Reduction Models and Targets
March 18	April 18	SAB Risk and Technology Review Methods Panel
April 24	May 24	CASAC Secondary NAAQS Review Panel for Oxides of Nitrogen and Sulfur
April 24	May 24	SAB Economy-Wide Modeling Panel

- Meeting Minutes for recent SAB and CASAC Meetings (e.g., meetings held in October-November 2016)
- Final SAB and CASAC reports that will be transmitted to the Administrator in the next few weeks
 - CASAC Review of the EPA's Policy Assessment for the Review of the NAAQS for Nitrogen Dioxide
 - SAB Review of EPA's Proposed Methodology for Updating Mortality Risk Valuation Estimates for Policy Analysis